

FILED
U.S. BANKRUPTCY CT.
NEW ALBANY, IN

2016 APR 20 AM 11:40

CASE NUMBER: 10-93904-BHL-11
SOUTHERN DISTRICT OF INDIANA
KEVIN J. DEMPSEY

PLAINTIFF(S)

Denver CAPPS

v.

Eastern Livestock Co., LLC

DEFENDANT(S)

MOTION FOR

Collect Relief

[state what you want the Court to do]

I, Denver CAPPS, the ☒ plaintiff / ☐ defendant [check the appropriate box] in the

above-named proceeding, respectfully move this Court to issue an order

Collect Relief
For Worthless Check.

[state what you want the Court to do]

The reason(s) that I am entitled to the relief I seek is the following:

"Plaintiff" Motion, Motion for
Settlement with Relief Sought for
913.²⁴ Dollars, for Worthless Check
For Two Head of Cattle, Dated: 10-12-2010

Motion, "Plaintiff", Motion For
Settlement With Relief Sought
For Delay's Of Relief, Court Cost,
Postage, Phone Calls, Labor.

Motion "Plaintiff", Motion For
United States Bankruptcy Court
To Collect This Relief.

(You may use additional 8 1/2 x 11 paper if needed)

I, the undersigned, declare under penalty of perjury that the information contained in this document is true and correct.

This 18 day of April, 2016

Signed: Wenver Capps
[your signature]

Print your name: Denver CAPPS

Address: 330 Froque Road
Burkesville Kentucky
42717-8891

[For use if you are a prisoner:]

I hereby certify that a copy of this complaint was delivered to the prisoner mail system for mailing on

Signed: _____
[your signature]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above COMPLAINT was served upon
[name of document]

Counsel by U.S. MAIL at Continued To
[name of opposing party or counsel] [mail or hand-delivery] [address]

Attachment Sheet on April 18, 2016
[date]

Signed: Wenver Capps
[your signature]

Certificate of Service

Counsel's Mailing Address

FAEGRE, BAKER, DANIELS LLP
300 N. Meridian Street, Suite 2700
Indianapolis, Indiana 46204

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

| | | |
|-----------------------------|---|--------------------------|
| In re: |) | Chapter 11 |
| |) | |
| EASTERN LIVESTOCK CO., LLC, |) | Case No. 10-93904-BHL-11 |
| |) | |
| Debtor. |) | |

**NOTICE OF OBJECTION DEADLINE TO SETTLEMENT AND PROPOSED
ELIGIBILITY FOR COMPENSATION FROM SEIZED FUNDS**

The *Trustee's Motion To Compromise And Settle* (Docket No. 2862) (the "Motion") was filed by James A. Knauer, as chapter 11 trustee (the "Trustee") for the estate of Eastern Livestock Co., LLC (the "Debtor") on April 1, 2016. A brief summary of the Motion is as follows:

In January of 2011, Judge James D. Moyer, United States Magistrate Judge for the Western District of Kentucky, signed seizure warrants for the contents of certain financial accounts of debtor Thomas P. Gibson¹ and J&L Cattle Co. (the "Accounts"). On January 19th and 20th, of 2011, the contents of the Accounts, in the total sum of \$4,825,548.30, were seized by the Federal Bureau of Investigation (the "Seized Funds"). / The Seized Funds represent the defendant property in the government seizure action styled *United States of America v. Contents of Account in the Name of Eastern Livestock and Thomas P. Gibson, held by MF Global, Inc. et al.*, Case No. 3:11CV-233-R, pending in the United States District Court of Western District of Kentucky, Louisville Division (the "Forfeiture Action"). On April 18, 2011, The United States of America (the "United States"), filed its *Verified Complaint for Forfeiture In Rem*, against the Accounts. Pursuant to a series of agreed orders in the Forfeiture Action, the proceedings in the Forfeiture Action have been stayed, including the deadline for filing ownership claims to the Seized Funds, but no parties other than the Trustee, Kathryn L. Pry, as Trustee (the "Gibson Trustee") for the bankruptcy estate of Thomas P. Gibson and Patsy M. Gibson, The First Bank and Trust Company ("First Bank") and Your Community Bank ("YCB") have preserved a right to assert an ownership claim against the Seized Funds. The Trustee, the Gibson Trustee, and First Bank all believe that they have a viable ownership claim to all or some of the Seized Funds. YCB may assert a claim to the Seized Funds. /

The ELC Trustee and the Gibson Trustee both have similar interests in seeing that the assets of their respective estates, including any interest each estate has in the Seized Funds, are distributed pro rata to the unpaid creditors of each estate in accordance with their fiduciary duties under the Bankruptcy Code. The United States has an interest in seeing that the Seized Funds are distributed pro rata to the victims of the fraud perpetrated by Thomas P. Gibson. **Victims have been identified and a list indicating the names and claims of those determined eligible to receive pro rata compensation from the Seized Funds is attached to this NOTICE and is also available on the ELC Trustee's website, www.easternlivestockbkinfo.com, or with the**

¹ Thomas P. Gibson is a debtor in Case No. 10-93867-BHL-7, pending in the United States Bankruptcy Court of Southern District of Indiana, New Albany Division.

pleadings filed in this bankruptcy case and the bankruptcy case of Thomas P. Gibson and available through the Bankruptcy Court's ECF system (Pacer Account required). You may also call Terry Hall at Faegre Baker Daniels LLP, at 317-237-1230 if you have questions.

The United States, the Trustee, the Gibson Trustee, First Bank, and YCB, pursuant to the terms contained in the certain *Agreed Order Consenting to Forfeiture* (the "Agreed Order"), to be entered in the Forfeiture Action, have reached an agreement to fully, completely and permanently resolve, compromise and settle all issues and disputes that now exist or may exist in the future with respect to the Seized Funds and the distribution of the Seized Funds. The terms of the settlement are contained in more detail in the Motion and the Agreed Order available at the ELC Trustee's website and the court's websites mentioned above.

NOTICE IS GIVEN that any objection to the Motion, including any objection to the proposed amount of an eligible claim or the non-inclusion of a claim the claimant believes should be eligible for compensation must be filed with the Bankruptcy Clerk within 21 days from date of service. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at:

Clerk, U.S. Bankruptcy Court
110 U.S. Courthouse
121 W. Spring St.
New Albany, IN 47150

The objections must be served on the Trustee c/o Faegre Baker Daniels LLP, Terry Hall at the address listed below. If an objection is NOT timely filed, the requested relief may be granted without further hearing on the Motion.

PLEASE NOTE THAT THE AMOUNT OF THE CLAIM LISTED IS NOT THE AMOUNT OF THE DISTRIBUTION. The Seized Funds will be distributed pro rata to the listed eligible claims and all final distributions shall be made and determined by the United States through the offices of the Attorney General.

FAEGRE BAKER DANIELS LLP

By: /s/ Terry E. Hall

- Terry E. Hall (#22041-49)
Kevin M. Toner (#11343-49)
Harmony Mappes(#27237-49)
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204-1782
Telephone: (317) 237-0300
Facsimile: (317) 237-1000
terry.hall@faegrebd.com
kevin.toner@faegrebd.com
harmony.mappes@faegrebd.com

Counsel for James A. Knauer, Chapter 11 Trustee

Eastern Livestock LLC
Claims Against Seized Funds
Exhibit 1

105/45138_2


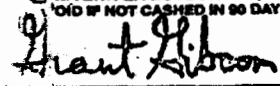
| Claims Eligible for Distribution | | | | | | | | | | | |
|----------------------------------|---|---|---------------|----------|------------|--------------------------------|-----------------------|-------------------------------|----------------------------------|--------------------|------------------------------|
| Claim No. | Creditor | Address | City | State | Zip | Original Proof of Claim Amount | Bond Payment on Claim | Other Payments and Reductions | Claim Amendments and Settlements | Final Victim Claim | Comments |
| 66 | 3-B FARMS LLC | 708 N Pratt St, P.O. Box 6 | Yates Center | KS | 66783 | \$4,046.26 | | \$0.00 | | \$4,046.26 | |
| 238 | 4 LEGS DOWN LLC | 4051 N Co Rd 500 E | Greensburg | IN | 47240 | \$2,781.00 | | \$0.00 | | \$2,781.00 | |
| 481 | 24 TRADING CO., LLC | PO Box 1530 | Candlisho | TX | 78635 | \$2,240.00 | | \$0.00 | | \$2,240.00 | |
| 502 | A & B CATTLE & FARM INC | PO Box 5 | Thadon | MS | 38871 | \$35,547.00 | | \$0.00 | | \$35,547.00 | |
| 481 | ACOTSA-REZA, ROLANDA | PO Box 503 | Alliance | Nebraska | 69301 | \$26,476.73 | | \$0.00 | | \$26,476.73 | |
| 117 | ACREE, PHILLIP NATHAN | 175 Donald Huff Rd. | Summer Shade | KY | 42106 | \$764.79 | | \$0.00 | | \$764.79 | |
| 525 | ADP | c/o Crystal Garcia 1851 N Resler | El Paso | TX | 79912 | \$274.08 | | \$0.00 | | \$274.08 | |
| 158 | ALBERSON, ROBERT DOUGLAS | Landmark Ln. | Hillman | TN | 38568 | \$2,351.58 | \$102.67 | \$0.00 | | \$2,248.91 | |
| 165 | ANIMAL CLINIC | PO Box 781 | Morganfield | KY | 42437-0781 | \$560.00 | | \$0.00 | | \$560.00 | |
| 481 | ARRIETA, LAURA | 1129 Stockwell Ln. | El Paso | TX | 79902-2151 | \$16,981.44 | | \$0.00 | | \$16,981.44 | |
| 500 | ASH FLAT LIVESTOCK AUCTION, INC. | PO Box 308 | Ash Flat | AR | 72513 | \$15,575.32 | | \$0.00 | | \$15,575.32 | |
| 511 | ASHVILLE STOCKYARD INC | | | | | | | | | | preference action pending |
| 55 | ATHENS STOCKYARD LLC | PO Box 560 | Ashville | AL | 35953 | \$30,280.15 | \$1,321.18 | \$0.00 | \$13,812.35 | \$0.00 | |
| 357 | B & B FARMS | PO Box 87 | Albans | TN | 37371 | \$690,072.62 | \$16,114.87 | \$0.00 | \$515,841.93 | \$515,841.93 | |
| 255 | BAR K CATTLE | 8090 Greensburg Rd. | Greensburg | KY | 42243 | \$6,393.87 | \$185.44 | \$0.00 | | \$6,208.23 | |
| 481 | BARNES, SHANNON DEBIA BARNES TRUCKING | 1275 7th Ave | Sioux Center | IA | 51250-2156 | \$30,000.00 | | \$0.00 | | \$30,000.00 | |
| 419 | BERTRAM CATTLE HAULING | 21936 Lawrence 2222 | Aurora | MO | 65605 | \$12,114.00 | | \$0.00 | | \$12,114.00 | |
| 300 | BOB'S AUTO INC DBA BOB'S AUTO SUPPLY | PO Box 437 | Vinita | OK | 74301-0437 | \$44,116.35 | | \$0.00 | | \$44,116.35 | |
| 73 | BOVINE MEDICAL ASSOCIATES | PO Box 419 | Edmonton | KY | 42128 | \$703.59 | | \$0.00 | | \$703.59 | |
| 266 | BPT LIVESTOCK | 1500 Soper Rd. | Carlisle | KY | 40311 | \$6,235.00 | | \$0.00 | | \$6,235.00 | |
| 481 | BRADEN, DANE dba Razorback Farms | 100 Old Carpenter Lane | Harrison | AR | 72601 | \$7,130.10 | | \$0.00 | | \$7,130.10 | |
| 481 | BRADEN, DANE dba American Rock | 131 Industrial Park Dr., Suite 3 | Hollier | MO | 65672 | \$48,558.10 | | \$0.00 | | \$48,558.10 | |
| 102 | BRADBURY & YORK CATTLE | 131 Industrial Park Dr., Suite 3 | Hollier | MO | 65672 | \$463.84 | | \$0.00 | | \$463.84 | |
| | | PO Box 588 | Tatum | TX | 75681 | \$98,725.23 | \$4,310.41 | \$0.00 | | \$94,414.82 | |
| 479 | BRENT KUEHNY DBA DOLLAR K CATTLE CO | c/o Ross A. Plourde McAfee & Telf Two Leadership Square, 10th Floor 211 N Robinson | Oklahoma City | OK | 73102 | \$0.00 | | \$0.00 | | | claim consolidated with 0480 |
| 480 | BRENT KUEHNY, BANK OF KREMLIN & MARK HOENBERGER | c/o Ross A. Plourde McAfee & Telf Two Leadership Square, 10th Floor 211 N Robinson | Oklahoma City | OK | 73102 | \$158,636.31 | \$7,000.35 | \$0.00 | \$111,281.17 | \$111,281.17 | |
| 481 | BRISCOE, BRACK | 2089 S Meridian Rd. | Mitchell | IN | 47446 | \$9,894.15 | \$431.99 | \$0.00 | | \$9,462.16 | |
| 178 | BUFFALO LIVESTOCK AUCTION LLC | Box 427 | Buffalo | WY | 82834 | \$53,939.00 | \$2,395.02 | \$0.00 | | \$51,563.98 | |
| 23 | BURFORD, JAY | 108 Glen Oaks Rd. | McDonough | GA | 30253 | \$1,928.78 | \$84.82 | \$0.00 | | \$1,843.96 | |
| 481 | BURKE LIVESTOCK AUCTION | 420 W 4th St. | Burke | SD | 57523 | \$14,097.27 | | \$0.00 | | \$14,097.27 | |
| 435, 437, 438, 439, 440, 441 | BYNUM GROUP | PO Box 104 | Sterling | TX | 76651 | \$73,832.57 | | \$0.00 | | \$73,832.57 | |
| 80 | BYRON LANG INC | PO Box 301 | Jackson | MO | 63755-0301 | \$5,100.00 | | \$0.00 | | \$5,100.00 | |
| 486 | CACTUS GROWER INC | c/o John H. Lovell Lovell, Newsom & Barn, LLP 112 W 8th Ave, Suite 1000 | Anafile | TX | 79101 | \$32,852.86 | | \$0.00 | | \$32,852.86 | |
| 249 | CAMBRIDGE TRANSPORTATION | 36392 Treasury Center | Chicago | IL | 60684-6300 | \$4.00 | | \$0.00 | | \$4.00 | |
| 187 | CAPPS, VETERAN DENVER | 330 Froque Rd. | Burlesville | KY | 42717 | \$913.24 | | \$0.00 | | \$913.24 | |

083902581
12/07/2010
398901008000092

This is a LEGAL COPY of your
check. You can use it the same
way you would use the original
check.

Return Reason (S)
Refer to Maker

12/07/2010
398901008000092

| | | |
|---|---|---|
|  | 135 WEST MARKET NEW ALBANY NY 12150 815-345-1500 | 73-21 421 |
| | Fifth Third Bank | |
| NO. F 015706 | | |
| NINE HUNDRED THIRTEEN & 24/100 DOLLARS | | |
| PAY TO THE ORDER OF | 15706 9713 DENVER CAPPS P O BOX 975 BURKESVILLE KY 42717 | DATE 10/12/10 AMOUNT \$*****913.24 |
| | | By  EASTERN LIVESTOCK CO., LLC VOID IF NOT CASHED IN 90 DAYS |
| ⑈015706⑈ ⑆042100272⑆ 7480493837⑈ | | |

⑈015706⑈ ⑆042100272⑆ 7480493837⑈

⑈0000091324⑈

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES [REDACTED] COURT
for the *BANKRUPTCY*

Denver Capps
Plaintiff

v.

Eastern Livestock Co. LLC
Defendant

Civil Action No.

10-93904-BHL-11

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

FAEGRE BAKER DANIELS LLP
BY: /s/ Terry E. Hall
Counsel for JAMES A KNAUER, Chapter 11 Trustee

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Proof of Service

This Summons for By: 1st Terry E. Hall
Counsel For JAMES A. KNAUER,
CHAPTER 11 Trustee

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) FAEGRE BAKER DANIELS LLP
 was received by me on (date) _____.

- ☐ I personally served the summons on the individual at (place) _____
 on (date) _____; or
- ☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) 4-18-2016, and mailed a copy to the individual's last known address; or
- ☐ I served the summons on (name of individual) 1st Terry E. Hall, who is
 designated by law to accept service of process on behalf of (name of organization) FAEGRE
BAKER DANIELS LLP on (date) _____; or
- ☐ I returned the summons unexecuted because _____; or
- ☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 4-18-2016

"Plaintiff" Wrenner Capps
 Server's signature

"Plaintiff" Denver Capps
 Printed name and title

Kentucky, 42717
330 Froque Road Burkesville
 Server's address

Additional information regarding attempted service, etc:

Vetran
Denver Capps

name of plaintiff(s)

v.

Civil Case No. 10-93904-BHL-11

Eastern Livestock
Co., LLC,

name of defendant(s)

COMPLAINT

1. State the grounds for filing this case in Federal Court (include federal statutes and/or U.S. Constitutional provisions, if you know them):

Motion, Defendant Paid Plaintiff
With Worthless Check For
Two Head of Cattle

2. Plaintiff, Denver Capps resides at
330 Froque Road Burkesville
street address city
Cumberland Kentucky 42717 270-433-5963
county state zip code area code, phone number

(if more than one plaintiff, provide the same information for each plaintiff below):

3. Defendant, EASTERN LIVESTOCK CO., LLC, lives at, or its
business is located at 135 WEST MARKET NEW,
street address
ALBANY, INDIANA,
city county state
47150.
zip code

(if more than one defendant, provide the same information for each defendant listed above):

4. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Be as specific as possible. You may use additional paper if necessary):

Motion, "PLANTIFF", Motion For
Settlement With Relief Sought
For 913.²⁴ DOLLARS, For Worthless
Check For Two Head Of Cattle,
Dated: 10-12-2010.

Motion, "PLANTIFF", Motion For
United States District Court To
Collect This Relief.

COMPLAINT, Question # 4
Continued

Complaint, Question # 4
Continued

Motion, "Plaintiff," Motion For
Settlement With Relief Sought
For 1800, Dollars For Delays Of
Relief, Court Cost, Postage,
Phone Calls, Labor.

Motion, "Plaintiff", Motion For
United States District Court To
Collect This Relief.

5. Prayers for Relief (list what you want the Court to do):

- a. Motion, "Plaintiff" Motion For
Relief For Worthless Check
b. And Other Related Charges

c. _____

d. _____

6. Request for a Jury Trial

✓
yes

no

I (We) hereby certify under penalty that the above petition is true to the best of my (our) information, knowledge, and belief.

Signed this 18th day of April, 2016 19.

Denver Capps

(signature of plaintiff (s))